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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/650,615	SUZUKI ET AL.
	Examiner	Art Unit 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 January 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1448)
Paper No(s)/Mail Date 1/8/2004, 10/16/2008, 11/06/2008

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

1. Claims 1-39 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-252062, 2002-252063 and 2002-252064, filed on 08/29/2002.

Claim Objections

3. Claim 4 is objected to because of the following informalities: Claim 4 recites "In information system which manages information relating to medical activities on patients at different places" in the preamble. Examiner considers that there is a typographical error and the claims should read "An information system...". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-15, 22-30, 32-39 are rejected under 35 U.S.C. 102(a) as being unpatentable by Sasaki (JP409245093A, Portable Nursing Job Supporting System).

A. As per claim 1, Sasaki discloses an information system for use in a hospital, comprising:

- i. a plurality of subsystems comprising:

- (1) a terminal inputting and outputting data relating to medical activities (Sasaki; par. 0010, 0016, 0017);
- (2) a server controlling the data (Sasaki; par. 0010); and
- (3) a hospital information management system managing the data processed in the subsystems, wherein said server controls communications of the data between said terminal and said hospital information management system; and at least one of said plurality of subsystems comprises a mobile terminal capable of communicating data of the medical activities to be input and output at an execution site of the medical activities with said hospital information management system (Sasaki; par. 0008, 0010, 0016, 0017, 0019).

B. As per claim 2, Sasaki discloses the system according to claim 1, wherein said terminal communicates the data with said hospital information management system through a wireless communications line (Sasaki; par. 0010).

C. As per claim 3, Sasaki discloses the system according to claim 1, wherein said terminal further comprises a read unit reading identification information (Sasaki; par. 0020).

D. As per claim 4, Sasaki discloses in information system which manages information relating to medical activities on patients at different places, comprising:

- i. an information management system managing information about more than one predetermined medical facilities (Sasaki; par. 0001, 0010, 0016, 0017);

Examiner also notes, however, that Sasaki does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., hospital networks) that are utilized in conjunction with one another (i.e., the systems are networked together)

Also, Sasaki teaches one or more sets of portable nursing support apparatus and the main ends. (Sasaki; par. 0001, 0016-0017). As such, Examiner considers a broad yet reasonable interpretation of Sasaki to also teach Applicant's recitation of multiple networks (medical facilities) interconnected within a larger network.

- ii. a mobile terminal inputting and outputting data relating to the medical activities executed at an execution site where the medical activities are executed in the medical facilities (Sasaki; par. 0010-0011, 0016); and

- iii. a server controlling communications of medical activity data between said mobile terminal and said hospital information management system (Sasaki; par. 0016, 0017).

- E. As per claim 5, Sasaki discloses an information system for use in a hospital, comprising:

- i. a mobile terminal inputting and outputting data relating to medical activities at an execution site of the medical activities in a hospital (Sasaki; par. 0010, 0016, 0017);
- ii. a hospital information management system managing information in the hospital (Sasaki; par. 0010); and
- iii. a server controlling communications of data relating to medical activities between said mobile terminal and said hospital information management system (Sasaki; par. 0016, 0017).

F. As per claim 6, Sasaki discloses the system according to claim 5, further comprising:

- i. a stationary terminal inputting and outputting data relating to medical activities (Sasaki; par. 0001, 0010, 0016); and
- ii. a second server controlling communications of medical activity data between said stationary terminal and said hospital information management system (Sasaki; par. 0010, 0016, 0017).

It is noted that Sasaki's main ends is considered to be a form of "a second server" and another main end to be form of "a stationary terminal" as recited in this claim. Further, the courts have broadly held that making parts of an apparatus separable is obvious. *In re Dulberg*, 289 F.2d 522,523, 129 USPQ 348, 349 (CCPA 1961). As such, these changes do not present a patentable distinction over the applied prior art of record.

G. As per claim 7, Sasaki discloses the system according to claim 5, further comprising

- i. an order entry unit recording an order relating to medical activities (Sasaki; par. 0020) wherein:
- ii. said hospital information management system (Sasaki; par. 0010, 0011) comprises:
 - (1) a job schedule data generation unit generating job schedule data indicating a job scheduled to be executed in response to the order recorded by said terminal (Sasaki; par. 0020); and
- iii. said mobile terminal comprises:
 - (1) a job schedule data acquisition unit obtaining the job schedule data generated by said hospital information management system (Sasaki; par. 0020); and
 - (2) a display control unit displaying the job schedule data on said mobile terminal (Sasaki; par. 0020).

H. As per claim 8, Sasaki discloses the system according to claim 7, wherein said mobile terminal displays the job schedule data designated at an instruction to select from among options of working hours, patients, wards, and job types (Sasaki; par. 0020).

I. As per claim 9, Sasaki discloses the system according to claim 7, wherein said mobile terminal displays job schedule data obtained by said job schedule

data acquisition unit or obtained by designating the job schedule data by said display control unit (Sasaki; par. 0020).

J. As per claim 10, Sasaki discloses the system according to claim 7, wherein said mobile terminal designates the job schedule data by said job schedule data acquisition unit obtaining only the job schedule data corresponding to the instruction relating to the working hours or said display control unit controlling a display of the job schedule data only corresponding to the instruction, and displays the designated job data (Sasaki; par. 0020, 0027, 0028).

K. As per claim 11, Sasaki discloses the system according to claim 7, wherein said mobile terminal designates the job schedule data by said job schedule data acquisition unit obtaining only the job schedule data corresponding to the instruction relating to the patients or said display control unit controlling a display of the job schedule data only corresponding to the instruction, and displays the designated job data (Sasaki; par. 0020, 0027, 0028).

L. As per claim 12, Sasaki discloses the system according to claim 7, wherein said mobile terminal designates the job schedule data by said job schedule data acquisition unit obtaining only the job schedule data corresponding to the instruction relating to the job types or said display control unit controlling a display of the job schedule data only corresponding to the instruction, and displays the designated job data (Sasaki; par. 0019, 0020).

M. As per claim 13, Sasaki discloses the system according to claim 7, wherein said mobile terminal designates the job schedule data by said job

schedule data acquisition unit obtaining only the job schedule data corresponding to the instruction relating to the wards or said display control unit controlling a display of the job schedule data only corresponding to the instruction, and displays the designated job data (Sasaki; par. 0020).

N. As per claim 14, Sasaki discloses the system according to claim 5, wherein said medical activities includes an activity belonging to any of an injection, nursing, a treatment, and examinations and measurement (Sasaki; par. 0019, 0020).

O. As per claim 15, Sasaki discloses the system according to claim 7, wherein said display control unit allows said mobile terminal to display the job schedule data as sorted into data of unexecuted jobs and data of executed jobs, and, when an unexecuted job is input to said mobile terminal as an executed job, transfers the job schedule data from an unexecuted job group to an executed job group (Sasaki; par. 0020, 0027, 0028).

P. As per claim 22, Sasaki discloses the an information system for use in a hospital, comprising:

- ii. a terminal inputting execution data about executed medical activities(Sasaki; par. 0010, 0016, 0017, 0020); and
- iii. a hospital information management system managing execution data input to said terminal (Sasaki; par. 0010, 0020), wherein

iv. said terminal separately inputs starting data indicating that medical activities have been started and ending data indicating that the medical activities have been completed (Sasaki; par. 0020).

Q. As per claim 23, Sasaki discloses the system according to claim 22, wherein said medical activities are instillation (Sasaki; par. 0020).

R. As per claim 24, Sasaki discloses the system according to claim 22, wherein said terminal is a mobile terminal (Sasaki; par. 0020).

S. As per claim 25, Sasaki discloses the system according to claim 22, wherein said starting data and ending data indicate date and time data together with an executor of a medical activity, an execution site of the medical activity, execution contents of the medical activity, and a patient who receives the medical activity (Sasaki; par. 0020, 0027, 0028).

T. As per claim 26, Sasaki discloses the system according to claim 22, wherein upon receipt of the starting data, said hospital information management system compares a time at which a job for completing a medical activity relating to the starting data with a scheduled time of the job for completing the medical activity, and changes the scheduled time based on a comparison result (Sasaki; par. 0020, 0027, 0028).

U. As per claim 27, Sasaki discloses an information system for use in a hospital, comprising:

i. a terminal inputting and outputting data relating to medical activities (Sasaki; par. 0001, 0010);

- ii. a server system communicating the data with said terminal (Sasaki; par. 0016); and
- iii. a hospital information management system recording information communicated by said server system in the hospital, and centrally managing the information (Sasaki; par. 0010, 0020),
- iv. wherein said terminal comprises:
 - (1) a scheduled medical job data input/output unit inputting and outputting data of medical activities normally scheduled and transmitted as instructions from said server system according to a medical order (Sasaki; par. 0001, 0020); and
 - (2) an unscheduled medical job data input/output unit inputting and outputting data of medical activities unscheduled and not transmitted as instructions from said server system (Sasaki; par. 0020, 0027).

V. As per claim 28, Sasaki discloses the system according to claim 27, wherein data of an unscheduled medical activity data is measurement data relating to an unscheduled measurement (Sasaki; par. 0020, 0027).

W. As per claim 29, Sasaki discloses the system according to claim 28, wherein measurement data relating to the unscheduled measurement includes measurement data of at least a temperature, pulses, aspiration, or a blood pressure (Sasaki; par. 0020, 0027).

X. As per claim 30, Sasaki discloses the system according to claim 27, wherein data of an unscheduled medical activity is medicine name data indicating a name of a medicine in a broken injection bottle (Sasaki; par. 0028, 0038). Examiner considers disposal could be any broken injection bottle.

Y. As per claim 32, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and
- ii. a server system communicating the data with said terminal (Sasaki; par. 0010, 0016, 0017);
- iii. wherein: when a request to terminate a connection between said terminal and said server system is received from said terminal, said server system transmits, to said terminal, data for update of a program being executed by said terminal (Sasaki; par. 0024, 0029, 0035); and
- iv. said terminal updates the program based on the data transmitted from said server system and used for the update (Sasaki; par. 0024, 0029, 0035).

Z. As per claim 33, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and

- ii. a server system communicating the data with said terminal (Sasaki; par. 0010); wherein:
- iii. said terminal updates the program being executed by said terminal based on the data transmitted from said server system and used for update of the program (Sasaki; par. 0020, 0027);
- iv. when the request for a connection between said terminal and said server system is transmitted from said terminal, said server system transmits information about availability of an updated to said terminal (Sasaki; par. 0020); and
- v. when the information transmitted from said server system indicates that the updated program is available, said terminal executes the updated program, and inputs and outputs the data (Sasaki; par. 0020).

AA. As per claim 34, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and
- ii. a server system communicating the data with said terminal (Sasaki; par. 0010); wherein:
- iii. said server system contains data for use in updating a program being executed by said terminal, and can set in said server system a starting date from which the program is available by said terminal after update (Sasaki; par. 0020, 0024);

- iv. said terminal is configured to update the program based on the data transmitted from said server system for use in the update (Sasaki; par. 0024, 0029);
- v. when said server system is connected to said terminal before the set starting date and the data for use in the update is not transmitted from said server system to said terminal, said server system transmits the data to the terminal to store the data in (Sasaki; par. 0024, 0029);
- vi. when said server system is connected to said terminal after the set starting date and the data for use in the update is transmitted from said server system to said terminal, said server system allows said terminal to update the program based on the data; and when said server system is connected to said terminal after the set starting date and the data for use in the update is not transmitted from said server system to said terminal, said server system transmit the data to said terminal and allows said terminal to store the data and update the program based on the data (Sasaki; par. 0024, 0029).

BB. As per claim 35, Sasaki discloses the system according to claim 32, wherein data input and output by said terminal relates to medical activities (Sasaki; par. 0001, 0020).

CC. As per claim 36, Sasaki discloses the system according to claim 32, wherein said terminal ignores other input to said terminal when said terminal

receives data from said server system for use in updating the program (Sasaki; par. 0020, 0024, 0035).

DD. As per claim 37, Sasaki discloses a server system which is a component of an information system for use in a hospital, comprising:

- i. a data communications device communicating data with a terminal which is a component of the information system and inputs and outputs data by executing a program (Sasaki; par. 0001, 0020); and
- ii. an update data transmission unit transmitting, to the terminal, data for use in updating a program being executed by the terminal when a request to terminate a connection is received from the terminal (Sasaki; par. 0024, 0029, 0034).

EE. As per claim 38, Sasaki discloses a server system which is a component of an information system for use in a hospital, comprising:

- i. a data communications device communicating data with a terminal which is a component of the information system and inputs and outputs data by executing a program (Sasaki; par. 0001, 0020);
- ii. an update data transmission unit transmitting, to the terminal, data for use in updating program being executed by the terminal (Sasaki; par. 0024, 0029, 0035); and
- iii. a program availability information transmission unit transmitting information about availability of a program after update to the terminal

when a request for a connection is received from the terminal (Sasaki; par. 0024, 0029, 0035).

FF. As per claim 39, Sasaki discloses a terminal which is a component of an information system for use in a hospital, comprising:

- i. an input/output unit inputting and outputting data by executing a program (Sasaki; par. 0001, 0020);
- ii. a data communications device communicating the data with a server system which is a component of the information system (Sasaki; par. 0001, 0020); and
- iii. a program update unit updating the program based on data transmitted from the server system for use in updating the program (Sasaki; par. 0024, 0029), wherein
- iv. said input/output unit inputs and outputs data by executing an updated program when information transmitted from the server system at a request transmitted to the server system to connect to the server system indicates availability of the updated program (Sasaki; par. 0024, 0029, 0035).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (JP409245093A, Portable Nursing Job Supporting System) in view of White et al. (hereinafter White) (U.S. Patent No. 6,790,198 B1).

A. As per claim 16, Sasaki discloses the system according to claim 5, wherein said hospital information management system manages a job execution schedule relating to medical activities performed on patients (Sasaki; par. 0020), and said information system compares patient identification information assigned to a patient for identification of the patient (Sasaki; par. 0020).

Sasaki fails to expressly teach "the information system compares container identification information assigned to a container for identification of the container containing an injection medicine to be dosed to a patient by an injection to be performed on the patient with an instruction of an injection for the patient listed in the execution schedule, and outputs contents of the instruction from said mobile terminal when a comparison result refers to matching". However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by White with the motivation of comparing patient information to the label on the physical container (White; col. 9, lines 46-47).

B. Claim 17 recites the system according to claim 16, wherein in the comparison, the container identification information is first compared with the instruction, and when it is determined that the comparison result refers to matching, the patient identification information input to the terminal is compared with the instruction.

Sasaki fails to expressly teach "the container identification information is first compared with the instruction, and when it is determined that the comparison result refers to matching, the patient identification information input to the terminal is compared with the instruction". However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58). The motivation is the same as the motivation in the previous claim and incorporated herein.

C. As per claim 18, Sasaki discloses the system according to claim 5, wherein said hospital information management system manages an execution schedule of a job of medical activities performed on a patient (Sasaki; par. 0020), Sasaki fails to expressly teach "when container identification information assigned to a container containing an injection medicine to be dosed to a patient by an injection is transmitted from said mobile terminal, searches a job execution record relating to the medical activities for an execution record about a checking process of a medicine mixed in the container and

instructed to be dosed to the patient by the injection". However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58).

The motivation is the same as the motivation in claim 16 and incorporated herein.

D. As per claim 19, Sasaki discloses the system according to claim 18, wherein when the execution record about the checking process is detected, said hospital information management system transmits the presence of the execution record to said mobile terminal (Sasaki; par. 0020).

E. As per claim 20, Sasaki discloses the system according to claim 5, wherein: said hospital information management system manages a job execution schedule about medical activities performed on a patient (Sasaki; par. 0020);

Sasaki fails to expressly teach "when container identification information indicated on a container for identification of the container containing an injection medicine to be dosed to the patient by an injection is input to said mobile terminal, said information system determines whether or not an instruction about the injection for the patient contained in the execution schedule has been changed after the indication of the container identification information on the container". However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58).

The motivation is the same as the motivation in claim 16 and incorporated herein.

F. Claim 21 recites the system according to claim 20, wherein: said container identification information can contain change information indicating that the instruction about the injection for the patient contained in the execution schedule has been changed after indicating the container identification information on the container separately from information for exclusive identification of the container; and when the instruction about the injection for the patient in the execution schedule has been changed, said hospital information management system manages the container identification information changed to indicate the change information showing the change as information showing an instruction about an injection for the patient in the execution schedule.

Sasaki fails to expressly teach “container identification information can contain change information indicating that the instruction about the injection for the patient contained in the execution schedule has been changed after indicating the container identification information on the container separately from information for exclusive identification of the container; and when the instruction about the injection for the patient in the execution schedule has been changed, said hospital information management system manages the container identification information changed to indicate the change information showing the change as information showing an instruction about an injection for the patient in the

execution schedule". However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58).

The motivation is the same as the motivation in claim 16 and incorporated herein.

G. As per claim 31, Sasaki discloses the system according to claim 30, wherein said unscheduled medical job data input/output unit inputs the name of the medicine in the broken injection bottle by reading an identification code attached to the injection bottle by an identification code reader provided for said terminal, or by a user of said terminal manually inputting the code.

Sasaki fails to expressly teach "reading an identification code attached to the injection bottle by an identification code reader provided for said terminal, or by a user of said terminal manually inputting the code".

However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58).

The motivation is the same as the motivation in claim 16 and incorporated herein.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Automated pharmaceutical management and dispensing system 6219587 B1, Assigning technique for a scheduling system 20010047288, Method and system for scheduling employees in a patient care environment 20010051888, Mobile communication terminal, nursing work support system, computer readable storage medium in which the system is stored, nursing work support apparatus, and nursing work support facility JP2002351976A.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626
12/17/2008

/Robert Morgan/
Primary Examiner, Art Unit 3626